

Chicago, IL - U.S. Reps. Mark Kirk (IL-10), John Shimkus (IL-19) and Judy Biggert (IL-13), heard testimony today from Illinois families who suffered due to the exodus of emergency room doctors and other medical specialists from the state. Kirk, Biggert and Shimkus, members of the state's congressional delegation, convened today's ad-hoc congressional hearing to bring about action on this growing threat to patients in Illinois.

"No medical relationship is more important than the one between you and your doctor," Congressman Mark Kirk told family members during the two hour hearing which included first-hand accounts of the breakdown in access to health care across the state of Illinois. "It is outrageous that Illinois citizens are arriving at emergency rooms only to find no critical care doctors and no service. It is a further outrage that neighboring states are turning Illinois residents away due to legal concerns," said Kirk referring to a recent story in the Belleville News- Democrat which retells the story of a Mascoutah woman who was refused care at a Missouri hospital due to fears of being dragged into Illinois court if something went wrong.

The skyrocketing cost of medical malpractice insurance in Illinois was cited over and over again during today's hearing as the number one reason doctors are leaving the state or leaving the practice of medicine. While nearly 70 percent of medical liability claims do not result in payment to plaintiffs and less than one percent results in verdicts for plaintiffs, medical liability insurance is the second most risky line of insurance in the world, second only to earthquake insurance. This trend has hit rural areas of the state hardest. Since January 2003, 59 doctors have left the St. Clair-Madison Country area and as of June 2004, there will be no neurosurgeons south of Springfield.

"One look at the costs of malpractice insurance in this state would lead you to believe doctors are practicing medicine in the Dark Ages," said Congressman Kirk referring to data reviewed today which shows that in the last 20 years the average cost of liability insurance has risen 934 percent for neurosurgeons, 249 percent for emergency physicians, 455 percent for ophthalmic surgeons, and 447 percent for orthopedic surgeons. "The increased liability insurance costs indicate that neurosurgeons practicing today are 934 percent worse at their profession than they were 20 years ago. But we know that is not the reality. Today, Americans enjoy the best health care services in the world. Everyone in this room has benefited from the astounding advances of modern medicine. We must immediately deal with the questions brought before this panel today: Why are we driving good doctors out of our state? And how do we stop the exodus?"

The 19th Congressional District is particularly hard hit by the doctor shortage. U.S. Rep. Shimkus told panel participants that many patients who need an obstetrician or neurosurgeon were forced to travel across state lines to Missouri to seek the care they need. Faced with sobering statistics which include:

-- nearly one half of physician resignations (47.4%) last year were tendered so that the doctor could leave their practice in Illinois,

-- over the past two years, more than 15 percent of Illinois neurosurgeons left the state, and

-- the American Medical Association placed Illinois on its National Warning List.

"Restoring critical care doctors to their practices in southern Illinois is of the utmost importance to our citizens," said Congressman Shimkus. "We must also recognize that without immediate action, the possibility for economic growth in southern Illinois will be seriously threatened as well. To stay competitive in a global marketplace and keep jobs in America, we must ensure that health-care delivery in the state of Illinois is fully intact and strong."

Citing a recent survey by the Chicago-based OB/GYN Crisis Coalition and the Illinois section of The American College of Obstetricians and Gynecologists, Congresswoman Biggert, who represents Chicago's west and southwest suburbs, discussed the 46,250 lost OB/GYN office visits over the past two years because 11 percent of Illinois' 1,998 obstetricians and gynecologists have quit their profession over liability concerns. Since 2001, liability insurance premiums for obstetrician/gynecologists have increased 66 percent in Illinois, reaching as high as \$150,000 per year in some parts of the state.

"Women and children are the first to suffer in a health care crisis like we face today," said Congresswoman Biggert. "As a mother and grandmother, I don't want to see pregnant women forced to drive to another state because they cannot find an obstetrician in their own neighborhood."

States bordering Illinois added to the exodus of obstetricians and gynecologists and other key specialists from the state. The average OB/GYN in Wisconsin pays \$39,508 in malpractice premiums and the average neurosurgeon pays \$58,020. Compare these rates to Illinois liability premiums; OB/GYNs in Cook, Madison, St. Clair and Will counties pay \$139,696 and neurosurgeons pay \$228,396, and the case for medical liability reform in the state becomes clear.

Putting a face on Illinois' health care crisis during today's hearing were Naperville resident, Heidi Ruppenthal, and Lisa Kasten of Belleville, who provided personal and compelling testimony about their family's recent medical emergencies.

In April, Heidi Ruppenthal's son, Alex, suffered a large epidural hematoma while playing whiffle ball at school. Edward Hospital doctors considered transporting Alex to Children's Memorial Hospital because no neurosurgeon was available to operate. Concerned that he would not survive transport, they luckily found the only neurosurgeon in the area, Dr. John Brayton, who carried the malpractice insurance necessary to perform the surgery Alex needed. Alex's life was saved.

Lisa Kasten's father was not as lucky. This February, Fred Andricks slipped on the ice outside his home. He was rushed to the local hospital eight miles away where Kasten learned that her father had suffered major head trauma, but there were no neurosurgeons in the area to operate on him. Fred Andricks only hope was to be transported to a St. Louis hospital. Bad weather forced the transport by ambulance. He died en route.

Testimony from one of the doctors appearing before the panel today, highlighted another stark reality. Dr. Gail Rosseau, a neurosurgeon and National Spokeswoman for Doctors for Medical Liability Reform, focused on how the loss of critical care doctors in Illinois, especially southern Illinois, is forcing parents to limit their children's athletic activities.

"As a mother who is also a neurosurgeon with firsthand knowledge of the crisis, there are sporting events in the Chicago area that I will not allow my children to participate in because I know there is no neurosurgeon in the entire county where that game is being played," said Dr. Rosseau.

While Illinois legislative leaders oppose reforms that will keep doctors in their practice, the U.S. House of Representatives passed bipartisan federal legislation to ensure patients have access to the care they need. During the coming week, the House of Representatives will vote a second time to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system. The HEALTH Act (H.R.5) is modeled after California's Medical Injury Compensation Act (MICRA). From 1976 to 2000, MICRA held liability premium increases in California to 167

percent while the rest of the country has seen liability premiums increase by 505 percent.

The HEALTH Act would place a \$250,000 cap on non-economic damages, impose limits on the contingency fees lawyers can charge to increase the share of damage awards that go to injured patients, enacts a "fair share" rule to ensure that damages are allocated fairly, in direct proportion to fault, and provides reasonable guidelines on the award of punitive damages. President Bush indicated he would sign this type of reform legislation which currently waits action in the United States Senate.